

Introduced by Senator Rubio

February 17, 2012

An act to amend Section 6253 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1110, as introduced, Rubio. Public records.

Existing law, the California Public Records Act, requires state and local agencies to make public records available upon receipt of a request that reasonably describes an identifiable record not otherwise exempt from disclosure, and upon payment of fees covering direct costs of duplication.

This bill would authorize a state or local agency to charge a fee to cover the direct costs of duplication of a public record that may include personnel costs associated with that duplication. The bill would also authorize a state or local agency to collect a deposit from an entity or individual requesting records prior to engaging in the collection of the records.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6253 of the Government Code is amended
- 2 to read:
- 3 6253. (a) Public records are open to inspection at all times
- 4 during the office hours of the state or local agency and every person
- 5 has a right to inspect any public record, except as hereafter
- 6 provided. Any reasonably segregable portion of a record shall be

1 available for inspection by any person requesting the record after
2 deletion of the portions that are exempted by law.

3 (b) (1) Except with respect to public records exempt from
4 disclosure by express provisions of law, each state or local agency,
5 upon a request for a copy of records that reasonably describes an
6 identifiable record or records, shall make the records promptly
7 available to any person upon payment of fees covering direct costs
8 of duplication, *which may include personnel costs associated with*
9 *the duplication*, or a statutory fee if applicable. Upon request, an
10 exact copy shall be provided unless impracticable to do so.

11 (2) *A state or local agency may collect a deposit from an entity*
12 *or individual requesting records prior to engaging in the collection*
13 *of the records.*

14 (c) Each agency, upon a request for a copy of records, shall,
15 within 10 days from receipt of the request, determine whether the
16 request, in whole or in part, seeks copies of disclosable public
17 records in the possession of the agency and shall promptly notify
18 the person making the request of the determination and the reasons
19 therefor. In unusual circumstances, the time limit prescribed in
20 this section may be extended by written notice by the head of the
21 agency or his or her designee to the person making the request,
22 setting forth the reasons for the extension and the date on which
23 a determination is expected to be dispatched. No notice shall
24 specify a date that would result in an extension for more than 14
25 days. When the agency dispatches the determination, and if the
26 agency determines that the request seeks disclosable public records,
27 the agency shall state the estimated date and time when the records
28 will be made available. As used in this section, “unusual
29 circumstances” means the following, but only to the extent
30 reasonably necessary to the proper processing of the particular
31 request:

32 (1) The need to search for and collect the requested records
33 from field facilities or other establishments that are separate from
34 the office processing the request.

35 (2) The need to search for, collect, and appropriately examine
36 a voluminous amount of separate and distinct records that are
37 demanded in a single request.

38 (3) The need for consultation, which shall be conducted with
39 all practicable speed, with another agency having substantial
40 interest in the determination of the request or among two or more

1 components of the agency having substantial subject matter interest
2 therein.

3 (4) The need to compile data, to write programming language
4 or a computer program, or to construct a computer report to extract
5 data.

6 (d) Nothing in this chapter shall be construed to permit an
7 agency to delay or obstruct the inspection or copying of public
8 records. The notification of denial of any request for records
9 required by Section 6255 shall set forth the names and titles or
10 positions of each person responsible for the denial.

11 (e) Except as otherwise prohibited by law, a state or local agency
12 may adopt requirements for itself that allow for faster, more
13 efficient, or greater access to records than prescribed by the
14 minimum standards set forth in this chapter.